

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D. C. 20554

In re Applications of ) MB Docket No. 17-85  
 )  
Entercom Communications and CBS )  
Radio Seek Approval to Transfer )  
Control of and Assign FCC )  
Authorizations and Licenses )

TO: Office of the Secretary

ATTN: Chief, Media Bureau

**THIRD SUPPLEMENT TO PETITION TO DISMISS OR DENY**

Edward R. Stolz II d/b/a Royce International Broadcasting Company (Stolz), Golden State Broadcasting, LLC (Golden), Silver State Broadcasting, LLC (Silver) and Major Market Radio, LLC (Major) (collectively "Petitioners"), by their attorney, hereby respectfully submit this Third Supplement to their May 1, 2017 "Petition to Dismiss or Deny". In support whereof, the following is shown:

**Preliminary Statement**

1. In the FCC's Public Notice of March 31, 2017 setting the procedural dates for this proceeding, DA 17-299, the Commission wrote that: "Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts

are discovered" (DA 17-299 at 3). In this instance, the fifteenth day after the incident described herein is today, October 17, 2017, within the time frame for pleadings based on newly discovered facts established in DA 17-299.

### **Three New Issues in the Past Fifteen Days**

2. There are three new issues that have arisen in the past fifteen days. The first arose in the aftermath of the horrendous mass murders of at least 58 human beings at the Route 91 Harvest Music Festival in Las Vegas. A CBS corporate officer at the time, Hayley Geftman-Gold, Vice-President and Senior Counsel, Strategic Transactions, posted on the social media website Twitter that:



3. This was first reported on October 2, 2017 by the news site Daily Caller. <http://dailycaller.com/2017/10/02/cbs-legal-exec-no-sympathy-because-country-music-fans-often-are-republican/>

4. While CBS ended up firing Ms. Geftman-Gold, this is the second instance of a CBS key employee revealing himself or herself as a misanthrope. The first was former CBS Evening News anchorman Scott Pelley, commenting on June 16, 2017 on the

attempted murder and vicious gun assault on United States Representative Steve Scalise by democrat activist James T. Hodgkinson<sup>1</sup>.

5. It is unclear to the undersigned how an entity who hires misanthropes such as Geftman-Gold and Pelley can serve as a public trustee operating licensed broadcast stations in the public interest, convenience and necessity. The Commission must take official notice that 62,979,636 American citizens voted for President Trump in the 2016 general election<sup>2</sup>. CBS Corporation clearly holds 62,979,636 citizens in contempt. The Commission owes it to these 62,979,636 individuals to strip CBS Corporation of all of its broadcast station licenses.

6. On the state of this record, foregoing, the FCC cannot make a statutory finding that the CBS principals who wish to transfer control of their 177 radio stations to Entercom have the basic character qualifications to be Commission licensees.

***Policy Statement on Character Qualifications in Broadcast Licensing***, 102 FCC 2d 1179 (1986). Without possessing basic qualifications, CBS Corporation has nothing to assign to Entercom. ***Jefferson Radio Co., Inc. v. FCC***, 340 F.2d 781 (D. C. Cir. 1964). The Commission cannot grant the above-captioned

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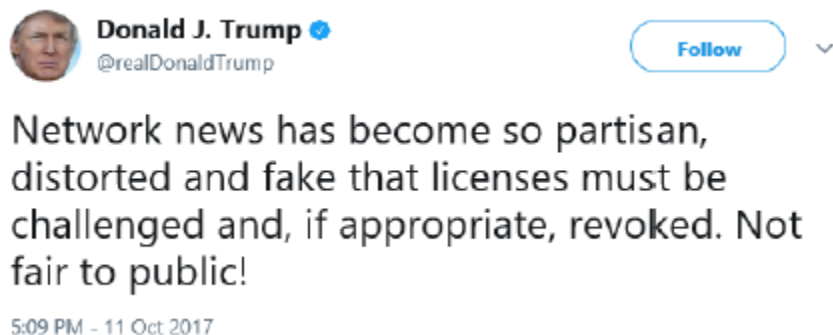
<sup>1</sup>Source: <https://www.youtube.com/watch?v=gHCxuuaTWq8>; see Stolz's Second Supplement, etc., filed July 3, 2017.

<sup>2</sup>Source: Dave Wasserman of "The Cook Political Report"; [https://twitter.com/Redistrict/status/811298104867692546?ref\\_src=twsrc%5Etfw](https://twitter.com/Redistrict/status/811298104867692546?ref_src=twsrc%5Etfw)

applications in Docket 17-85 without first holding a trial-type evidentiary hearing before an impartial Administrative Law Judge.

7. Second, the President of the United States has called upon the FCC to hold proceedings to determine whether outfits such as CBS Corporation should continue to hold federal broadcast station licenses. While President Trump was vague in his rationale, all of us in broadcast media know that he was referring to the "intentional news distortion" which occurs on a daily basis at companies such as CBS, who deceive the public by claiming that they are neutral, while in fact they are agents of the left seeking the daily destruction of this nation.

8. The following appeared on the President's site on twitter.com (official notice requested) on October 11, 2017:



9. Third, we have the sordid saga of democrat activist Harvey Weinstein<sup>3</sup>, allegedly the most powerful man in Hollywood, whose years as a degenerate sexual predator came to light<sup>4</sup>. Since it appears that "everyone" in the entertainment industry knew that Weinstein enjoyed luring young prospective actresses to his hotel room to watch him take a shower, the American public is entitled to know what the executives of CBS Corporation knew and when did they know it as to Weinstein's escapades. If CBS Corporation's news division failed to break an important story such as this to protect a political ally such as the lawless Weinstein, then we have "intentional news distortion", and CBS Corporation should be drummed out of the broadcast industry immediately and unceremoniously. The public interest, convenience and necessity demands no less.

**No First Amendment Protection Is  
Inherent in an FCC Broadcast License**

10. In *Red Lion Broadcasting Co., Inc. v. FCC*, 395 U.S. 379, 389-90 (1969), the Supreme Court wrote:

No one has a First Amendment right to a license or to monopolize a radio frequency; to deny a station license because "the public interest" requires it "is not a denial of free speech". *National Broadcasting Co. v. United States*, 319 U.S. 190, 319 U.S. 227 (1943).

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<sup>3</sup>Biography: <http://www.imdb.com/name/nm0005544/bio>

<sup>4</sup>Coverage: <http://www.tzm.com/person/harvey-weinstein/>

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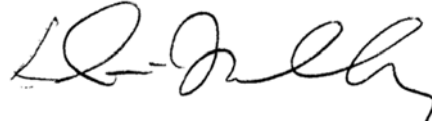
This is not to say that the First Amendment is irrelevant to public broadcasting. On the contrary, it has a major role to play, as the Congress itself recognized in §326, which forbids FCC interference with "the right of free speech by means of radio communication". Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium. But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. See *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 309 U.S. 475 (1940); *FCC v. Allentown Broadcasting Corp.*, 349 U.S. 358, 349 U.S. 361-362 (1955); 2 *Z. Chafee, Government and Mass Communications* 546 (1947). It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government or a private licensee. *Associated Press v. United States*, 326 U.S. 1, 326 U.S. 20 (1945); *New York Times Co. v. Sullivan*, 376 U.S. 254, 376 U.S. 270 (1964); *Abrams v. United States*, 250 U.S. 616, 250 U.S. 630 (1919) (Holmes, J., dissenting). "[S]peech concerning public affairs is more than self-expression; it is the essence of self-government." *Garrison v. Louisiana*, 379 U.S. 64, 379 U.S. 74-75 (1964). See Brennan, *The Supreme Court and the Meiklejohn Interpretation of the First Amendment*, 79 Harv.L.Rev. 1 (1965). It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC.

11. Before the Commission can make with any semblance of integrity the statutory finding that CBS Corporation possesses the basic character qualifications to assign and/or transfer its 177 radio station broadcasting licenses to Entercom, the Commission must hold a trial type hearing before an Administrative Law Judge on the above-issues similar to the hearing designated in *Gross Telecasting, Inc.*, 46 FCC 2d 543, 549-50 (1974).

**WHEREFORE,** it is urged that this "Third Supplement to Petition to Dismiss or Deny" **BE CONSIDERED ON THE MERITS** and that the above-captioned applications be dismissed, denied, designated for hearing with the undersigned parties as intervenors/parties respondent, or that a Section 403 proceeding be commenced before an independent Administrative Law Judge to determine whether CBS Corporation has engaged in "intentional news distortion" and/or fails to operate as a public trustee serving the public interest, convenience and necessity, and, if so, whether CBS Corporation possesses the basic qualifications to be a Commission licensee.

Respectfully submitted,

**EDWARD R. STOLZ II, d/b/a ROYCE  
INTERNATIONAL BROADCASTING COMPANY  
GOLDEN STATE BROADCASTING, LLC  
SILVER STATE BROADCASTING, LLC  
MAJOR MARKET RADIO, LLC**

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By \_\_\_\_\_  
Dennis J. Kelly  
Their Attorney

LAW OFFICE OF DENNIS J. KELLY  
Post Office Box 41177  
Washington, DC 20018  
Telephone: 202-293-2300  
E-mail: dkellyfcclaw1@comcast.net

DATED: October 17, 2017



## **CERTIFICATE OF SERVICE**

It is hereby certified that true copies of the foregoing "Third Supplement, etc." has been served by by e-mail and first-class United States mail, postage prepaid, or by e-mail only where shown by "\*", on this 17<sup>th</sup> day of October, 2017 upon the following:

Meredith S. Senter, Jr., Esquire

Laura M. Berman, Esquire

Lerman Senter PLLC

2001 L Street, NW, Suite 400

Washington, DC 20036

[msenter@lermansenter.com](mailto:msenter@lermansenter.com)

[LBerman@lermansenter.com](mailto:LBerman@lermansenter.com)

Counsel for CBS Broadcasting, Inc. and subsidiaries

David H. Solomon, Esquire

J. Wade Lindsay, Esquire

Wilkinson Barker Knauer, LLP

1800 M Street, NW, Suite 800N

Washington, DC 20036

[DSolomon@wbklaw.com](mailto:DSolomon@wbklaw.com)

[WLindsay@wbklaw.com](mailto:WLindsay@wbklaw.com)

Counsel for Entercom Communications Corp.

Carrie A. Ward, Esq.

Entercom Communications Corp.

Entercom License, LLC

401 E. City Avenue, Suite 809

Bala Cynwyd, PA 19004-1900

[cward@entercom.com](mailto:cward@entercom.com)

Nancy A. Ory, Esq.

Lerman Senter PLLC

2001 L Street, NW, Suite 400

Washington, DC 20036

[nory@lermansenter.com](mailto:nory@lermansenter.com)

Counsel for Entercom Divestiture Trust

Michael Wagner, Esq.\*

Audio Division, Media Bureau

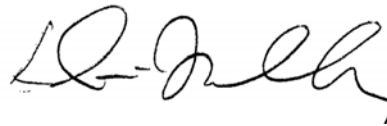
Room 2-A523

Federal Communications Commission

Washington, DC 20554

[Michael.Wagner@fcc.gov](mailto:Michael.Wagner@fcc.gov)

Stephen Svab, Esq.\*  
Audio Division, Media Bureau  
Room 2-A802  
Federal Communications Commission  
Washington, DC 20554  
[Stephen.Svab@fcc.gov](mailto:Stephen.Svab@fcc.gov)

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Dennis J. Kelly